



STATE OF WASHINGTON

DEPARTMENT OF LICENSING

PO Box 9020 Olympia, Washington 98507-9020

ADVERTISING GUIDANCE FOR REAL ESTATE LICENSEES

General Advertising Requirements

At most meetings, the Real Estate Commission (Commission) addresses advertising, with topics ranging from assumed names to team names. The reason these topics are addressed so frequently is because they're complex, and often not discussed in "plain talk" outside of Department of Licensing (DOL) laws and rules.

We want all of our licensees to be clear on what they can and can't do with their advertising, so the Commission has developed the following information to assist you in creating advertisements that comply with DOL's laws and rules.

DOL's laws and rules on advertising are intended to ensure that consumers aren't misled or confused about who is providing the services in a real estate transaction. They also make sure that licensees are being accurate about the services they're providing.

General Advertising Checklist

The Commission has developed the following checklist to address problem areas we see most often in real estate advertising. The Commission encourages licensees to use this checklist when developing advertisements, prior to publication.

- ☐ Is the full name of your real estate firm, as licensed with DOL, clearly displayed so it's easy to tell who's offering the brokerage service?
- ☐ If there's an address on the advertisement, is it the address for the brokerage office as licensed with DOL?
- ☐ If there's a licensee's name on the advertisement, is it the name as licensed with DOL?
- ☐ If there's a team name that is not an assumed name of the real estate firm, is the real estate firm name or assumed clearly and conspicuously displayed so it's easy to tell who's offering the brokerage service?
- ☐ If there's an assumed name of the real estate firm on the advertisement, is the real estate firm's name clearly displayed so it's easy to tell who's offering the brokerage service?
- ☐ Are the conditions or limitations of any promises or offers clearly indicated on the advertisement?
- ☐ Are all comparative claims, business volume claims, honors or awards backed up by a source, date and qualifying information?

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Firm Names

Your advertisements must include the *whole* licensed name or the assumed name of your real estate firm. Short forms of your brokerage's name are not acceptable.

As an example, if your brokerage's full name is ABC Market Realty LLC., it wouldn't be okay for you to advertise as ABC Realty, or Market Realty.

Also, remember that your advertising needs to include your firm's name or assumed name in a way that's visible and legible for your potential clients. This requirement extends to and is not limited to:

- TV ads and/or channels, all websites and webpages (including websites such as Facebook, Twitter, Google+, YouTube, LinkedIn, Craigslist, etc.),
- E-mail (and any other online identification, representation, promotion or solicitation)
- Bus, bus shelters and bus stop bench signage
- Newspaper ads,
- Yellow pages ads
- Brochures
- Flyers
- Sponsorship materials and signs
- Billboards
- Stadium/arena signs
- Automobile signs
- Business cards, or promotional material of any sort.

In the case of radio and other forms of audio-only advertising, your firm's name or assumed name must be clearly stated.

The top six advertising vehicles where we find non-compliant licensee advertising are:

- Craigslist
- Facebook
- Twitter
- Google+
- YouTube

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Assumed Names

An assumed name is an additional firm name that's registered with DOL. Once the assumed name is registered, it becomes the property of the firm. Real estate firms can have as many assumed names as they want.

An assumed name can't be a sole proprietorship, partnership, limited liability partnership, corporation, Limited Liability Company or other legally recognized business entity conducting brokerage service.

Team names are not assumed names unless they've been registered with DOL. For more information on team names, please see the "Team Names" section below.

Team Names

A team is a group of licensees led by a managing broker that are working together to provide real estate brokerage services for a licensed real estate firm and designated broker.

Team names can only be used if:

- The designated broker or responsible managing broker authorizes the use of the team name.
- The firm name is clear and conspicuous. The team name is not confusing to the department as to who is offering brokerage services.

In terms of advertising, team names should include the word "Team" or a similar word. Consumers should be clear that there's a relationship between the team and the licensed real estate firm.

Also, when you advertise as a team, it should be clear in the advertisement that a group of individuals from the same firm is working together as a team. This group of individuals may include unlicensed assistants, who are employees/contractors of the firm.

As always, your advertising needs to include your firm's name or assumed name in a way that's visible and legible for your potential clients.

Like assumed names, team names can't be a sole proprietorship, partnership, limited liability partnership, corporation, Limited Liability Company or other legally recognized business entity conducting brokerage service.

And remember, if you're on a team the law still applies! You're still a licensed broker or managing broker. Being a team does not change your legal responsibilities. The firm's designated broker is responsible for all teams and their conduct.

Team Names

EXAMPLE OF ASSUMED NAME HERE

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Your Name

All of your real estate business must be done with the name on your license.

If you're using a nick name, you'll need to change your name on your license. For example, someone licensed as "Dwight David Eisenhower" shouldn't be advertising as "Ike Eisenhower." They'll need to change the name on their license to reflect "Ike Eisenhower."

Internet & Social Media Advertising

The primary purposes of DOL's advertising laws and rules is to ensure that consumers aren't misled or confused about who is providing the services in a real estate transaction. They also make sure that licensees are being accurate about the services they're providing. Following these laws and rules is extremely important when advertising on the internet or through social media because these mediums have a particularly large reach.

Just as in print advertising, your advertising needs to include your firm's name or assumed name in a way that's visible and legible for your potential clients. This requirement extends to all internet and social media advertising, e-mail, blogs, online discussion forums and bulletin boards, etc.

For social media advertising, licensees must include the firm name or assumed name on their profile screen. Using Twitter or Facebook as an example, only the licensee's main profile screen is required to contain the licensee's firm name or assumed name. It's not required that each "status update" or "tweet" contain the name of the brokerage. In this instance, try to think of social media as a form of introducing yourself to a customer at an open house. You'd identify yourself as a real estate licensee and present a business card with the name of your firm displayed. You wouldn't have to reintroduce yourself every time you met with that customer.

This same rationale applies to a video blog posted on your website or social media page. If your firm's name or assumed name is the licensee's brokerage is included in a way that's visible and legible where the video is posted, you don't need to include this information on each blog segment.

Guidelines for Common Internet and Social Media Advertisements

- ***Craigslist***
Include your firm's name or assumed name in a way that's visible and legible on every Craigslist posting.
- ***Facebook***
Facebook personal profiles names have limited characters, but you can include your firm's name or assumed name in a way that's visible and legible as a graphic in the cover photo.

Using a personal profile for business may present certain privacy concerns for you. For business purposes, we recommend establishing a Facebook page. A Facebook page name has unlimited characters so it is easy to can include your firm's name or assumed name.

You do not have to add the name of your brokerage to each status update.

- ***Twitter***

Include your firm's name or assumed name along with your name in the Twitter bio section. You can also include your firm's name or assumed name in a way that's visible and legible as a graphic in the background of your Twitter page.

You do not have to add the name of your brokerage to each tweet.

- ***Google +***

Like Facebook personal profiles, you can include your firm's name or assumed name in a way that's visible and legible in your cover photo or profile photo.

On Google+, posts are the first thing that customers see, not the "About" section. If you don't have your firm's name or assumed name in the cover photo or profile photo, you will have to have it on all your posts.

- ***YouTube***

On the "Your Channel" section of your YouTube channel, you can put your firm's name or assumed name in the "About" section. On the "Video" page you can put your firm's name or assumed name in either the "Title," the "Description," or in the intro of your videos.

- ***Pinterest***

Include your firm's name or assumed name in a way that's visible and legible on every any photo on Pinterest that has to do with the real estate that you are marketing.

- ***QRL Codes***

Include your firm's name or assumed name in a way that's visible and legible on the link that is provided by the QRL code.

- ***Foreign Language Publications***

Please don't translate your firm's name or assumed name. Your name and your firm's name or assumed name on any publication should be as licensed with DOL.

False or Misleading Advertising

Your advertising should be honest. Publishing real estate advertising that contains a false or misleading information is a violation of DOL's Real Estate laws and rules.

You should assume that all statements in your advertisements will be interpreted literally by your customers. If you're trying to imply something or you're aware that the statement could be interpreted in many different ways, it's would be to your advantage to spell out the intended meaning in plain language, or to provide some form of disclaimer within the advertisement. If you don't, your statement may be deemed misleading, deceptive or just plain false.

And remember, all of your claims should be independently verifiable. If they're not, they may be deemed misleading, deceptive or just plain false

Guidelines for Creating Honest Advertising

- ***Promises or Offers***

If you make a promise or offer, make sure you're up front with the terms, conditions, or limitations. Full written details of the terms, conditions, or limitations of the promise or offer must be available upon request.

- ***Comparative Claim, Business Volume, Honor, or Award***

If you make or note a comparative claim, business volume, honor or award on your advertising, these should be backed up by a source, date, and any other qualifying information.

- ***Photo Enhancing Software***

Photo enhancing applications make it easy to touch up and alter photographs in a variety of ways. Make sure when using photographs in advertisements don't alter or enhance the photographs in a way that would misrepresent the property. For example, editing out a garbage can or a car parked in a driveway is okay, but removing nearby power lines or changing any the physical characteristics of a property wouldn't be acceptable.

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Current and Accurate Information

Keep your listing information current and accurate. When a listing has expired, immediately remove it from your website or social media outlets. Similarly, if property information changes during a listing period, information posted on websites or social media should be changed to match.

You shouldn't advertise another licensee's listings directly on your own website without first receiving permission from the listing licensee. If the listing licensee gives permission, don't alter any of the listing information without first getting permission from the listing licensee to do so.

If you're linking to an outside database of properties, you should make it clear to customers which listings are yours and which are not.

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General Example

The following example is an acceptable advertisement. It includes:

- ✓ A clearly displayed firm name
- ✓ The name of the licensees
- ✓ A team name
- ✓ A qualifying statement about the “Top selling real estate team” claim
- ✓ A qualifying statement about the “List with us and we’ll donate \$2000 to a charity of your choice” promotion



Trust the AV Team. We know how to sell!
*Your top selling real estate team**

* Statistics based on Real Estate Board of Greater Vancouver MLS* residential sales from January 1, 2012 to December 31, 2012.

MEET THE TEAM:



Betty Acheter
Betty has been licensed with Acheter & Vendre Realty Inc. for 10 years. She has been a resident of Delta for the past 16 years and loves the relaxed seaside lifestyle.



Robbie Vendre
Robbie is a proud member of the AV Team. Robbie and Betty know the Delta and South Surrey areas completely and will provide you with first class service to satisfy your every real estate need.

OUR LISTINGS:



118 Mountainview Drive
Four bedroom west-coast contemporary in Sunshine Hills area. Cross-hall plan.



2177 Elk Crossing
Brand new 5 bedroom, 5 bathroom home. Built-in home theatre room. Four car garage.

Come visit us at 1234 Verdant Road, Vancouver, BC

List with us and we'll donate \$2000 to a charity of your choice*

* (After sale completion. Please call for conditions and limitations.)

www.avrealty.ca

T: 604-555-1000 | F: 604-555-1010 | info@avrealty.ca

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Signage Example

If the advertisement identifies a broker or a managing broker, remember to use the broker or managing broker's name *as licensed*.



SHOW PICTURE OF REAL ESTATE
LICENSE

Team Names

If the licensee is a member of a team, that team name may also be used in advertising.



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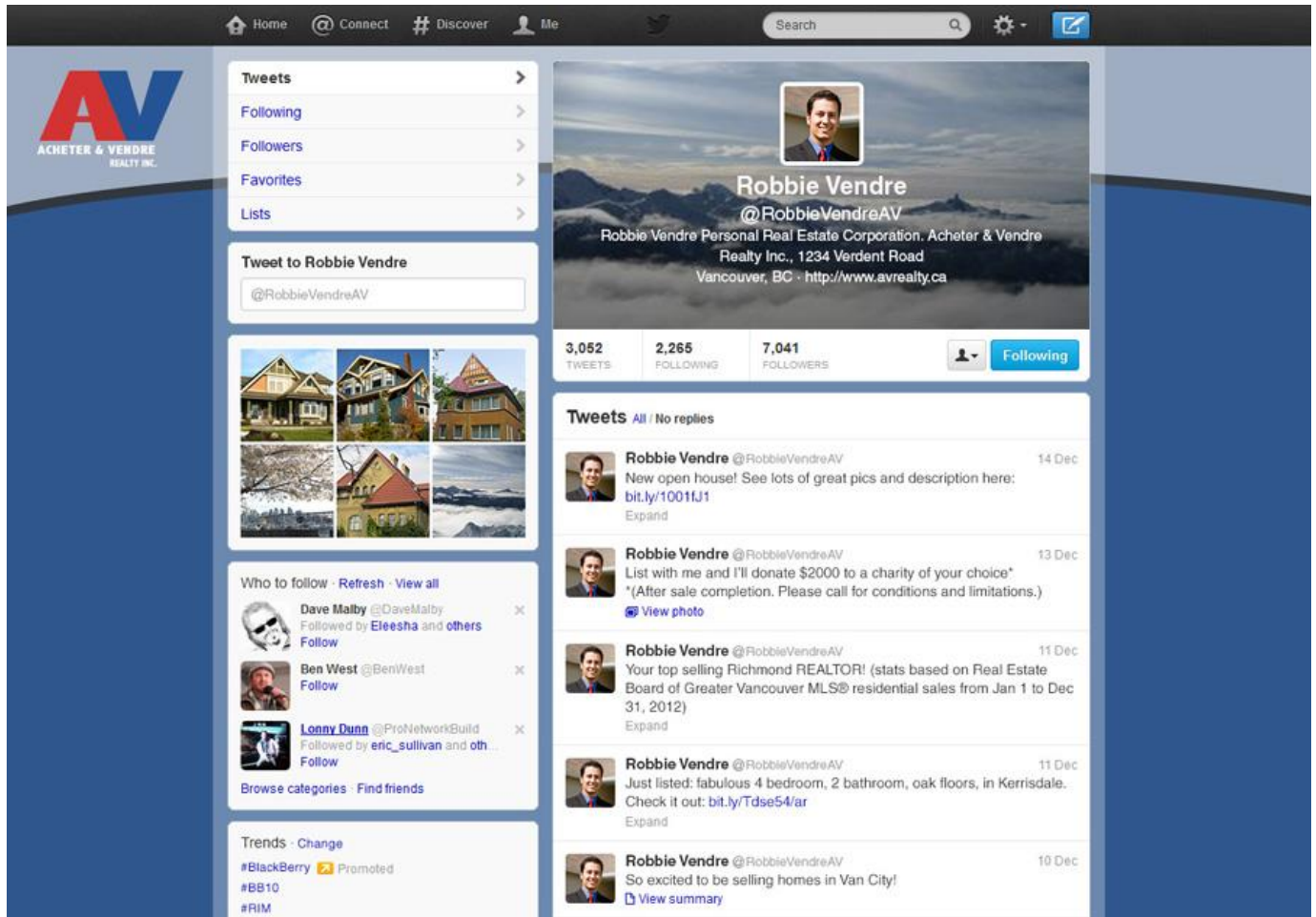
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Twitter Example

The following is an acceptable Twitter page. It includes:

- ✓ A clearly displayed firm name
- ✓ The name of the licensee
- ✓ A team name



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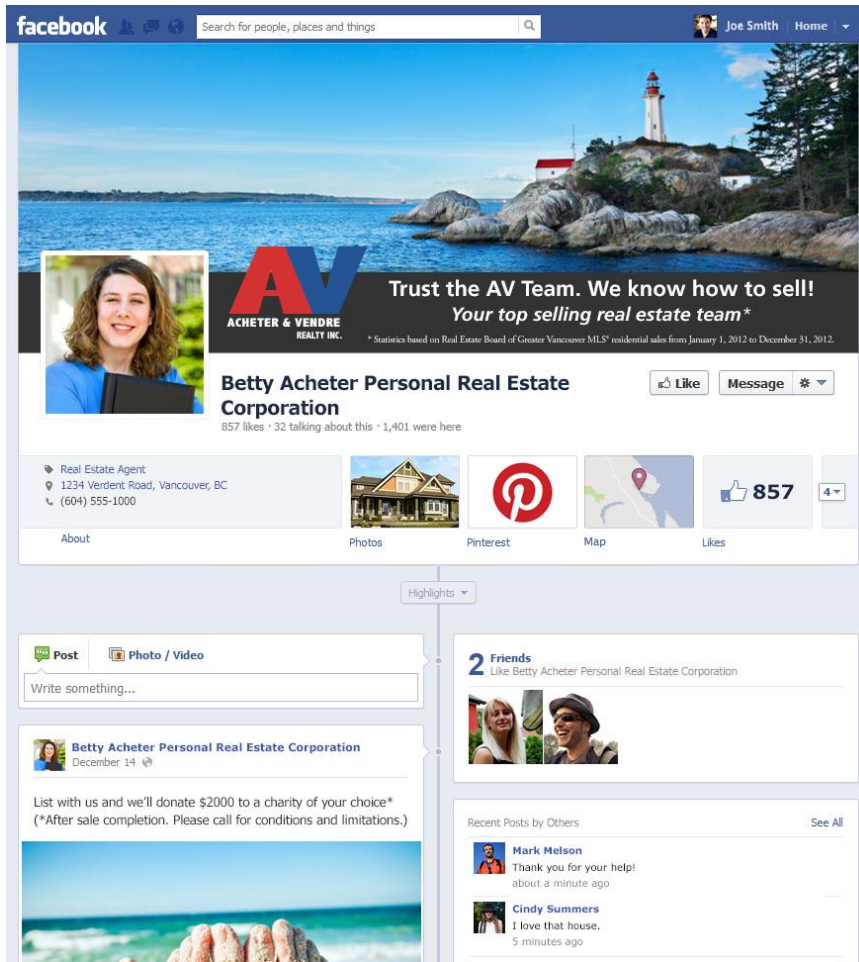
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Facebook Example

The following example displays an acceptable **Facebook** page. It includes:

- ✓ A clearly displayed firm name
- ✓ The name of the licensee
- ✓ A team name
- ✓ A qualifying statement about the “Top selling real estate team” claim
- ✓ A qualifying statement about the “List with us and we’ll donate \$2000 to a charity of your choice” promotion



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Newspaper, Internet, or Print Example

The following is an acceptable Newspaper, Internet, or Print advertisement. It includes:

- √ A clearly displayed firm name
- √ The name of the licensee
- √ A team name

 <p>Four bedroom west-coast contemporary in Sunshine Hills area. Cross-hall plan. Newly renovated kitchen and bathroom. \$1,600,000.</p>  <p>Brand new 5 bedroom, 5 bathroom home. Built-in home theatre room. Four car garage. Beautiful kitchen with granite countertops. Panorama Ridge area. \$1,400,000.</p>  <p>Newly built 4 bedroom home on large lot in Sunshine Hills neighbourhood. Stainless steel appliances. Fully finished basement with suite potential. \$990,000.00.</p>	 <p>ACHETER & VENDRE REALTY INC.</p> <p>Call Robbie Vendre Personal Real Estate Corporation</p>  <p>1234 Verdant Road Surrey, BC Tel: 604-555-1000 Email: rob@avrealty.ca</p> <p><i>Your Delta and South Surrey Area Expert!</i></p>
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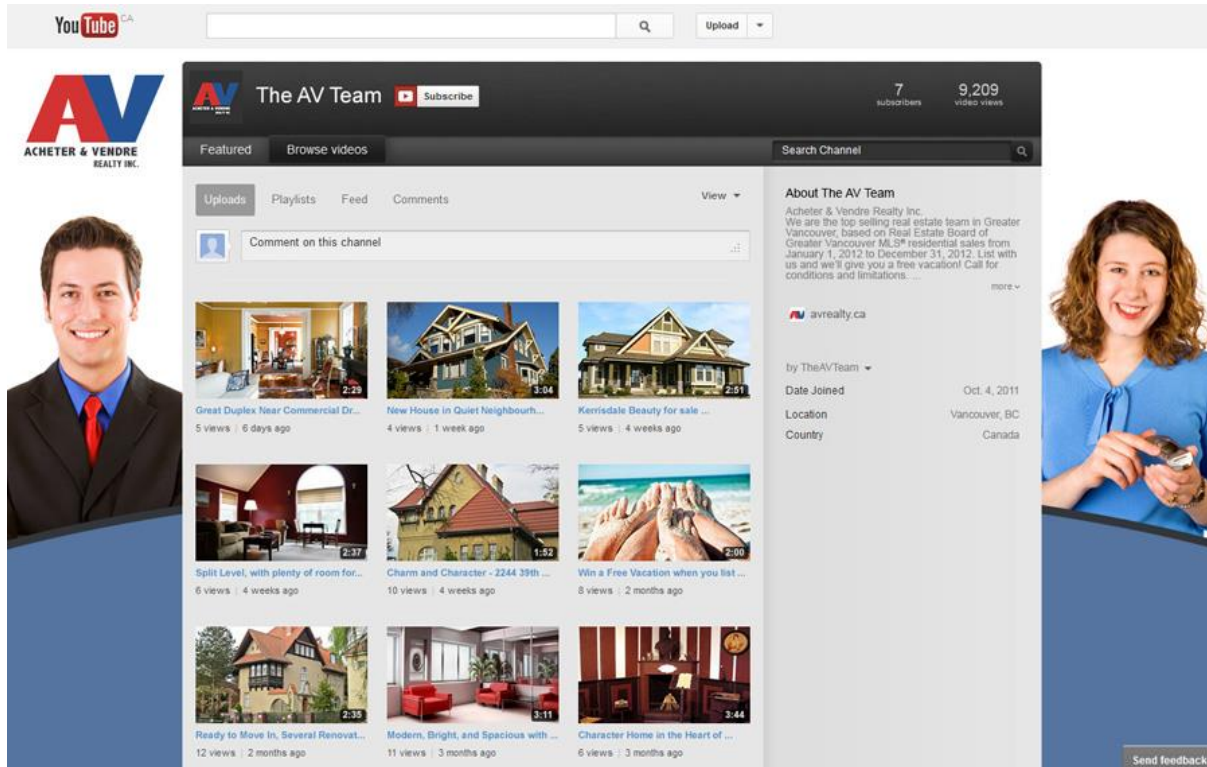
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YouTube Example

The following example displays an acceptable **YouTube** page. It includes:

- ✓ A clearly displayed firm name
- ✓ The name of the licensee
- ✓ A team name



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References

RCW 18.85.011

RCW 18.85.121

RCW 18.85.361

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WAC 308-124C-125

WAC 308-124C-130

WAC 308-124C-135

WAC 308-124C-140

RCW 18.235.010

RCW 18.85.130

Thank You to the Real Estate Council of British Colombia

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